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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR00-079-JCC
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 KENNETH DWAYNE MOODY,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on September 16, 2008. The United States was represented by AUSA Helen J. Brunner and
16 the defendant by Terrence Kellogg. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about July 14, 2000 by the Honorable John C.
18 Coughenour on a charge of Armed Bank Robbery, and sentenced to 92 months custody, 5 years
19 supervised release. (Dkt. 23.)

20 The conditions of supervised release included the standard conditions plus the requirements
21 that defendant be prohibited from possessing a firearm, submit to mandatory drug testing,
22 participate in a drug program, abstain from alcohol, pay restitution in the amount of \$200, submit

01 to search, and provide his probation officer with financial information.

02 On May 18, 2007, the conditions of supervision were modified to require mental health
03 counseling. (Dkt. 34.)

04 On October 19, 2007, the conditions of supervision were modified to require 180 days of
05 home confinement with electronic monitoring and sobriety. (Dkt. 35.)

06 In an application dated February 1, 2008 (Dkt. 37), U.S. Probation Officer Calvin K.
07 Bouma Jr. alleged the following violations of the conditions of supervised release:

08 1. Failing to comply with the home confinement program on or about November 20,
09 2007, in violation of the special condition that he participate in the home confinement program
10 with electronic monitoring for 180 days.

11 2. Failing to comply with the home confinement program on or about December 3,
12 2007, in violation of the special condition that he participate in the home confinement program
13 with electronic monitoring for 180 days.

14 3. Committing the crime of Aggravated Harassment (DV), a felony (RCW
15 9A.46.020(1) and (2)(b)(ii), on or before December 1,
16 2007, in Snohomish County, Washington, in violation of the standard condition that he not commit
17 another federal, state, or local crime.

18 Defendant was advised in full as to those charges and as to his constitutional rights.

19 Defendant admitted alleged violation 2 and waived any evidentiary hearing as to whether
20 it occurred. With regard to alleged violation 3, defendant admitted that he committed the crimes
21 for which he has been convicted in Snohomish County Cause #07-1-03840-4. The parties will
22 provide Judge Coughenour with a copy of the judgment no later than the disposition hearing in

01 this matter. The United States moved to dismiss alleged violation 1. (Dkt. 42.)

02 I therefore recommend the Court find defendant violated his supervised release as alleged
03 in violation 2, as admitted with regard to violation 3, that the court dismiss violation 1 and that
04 the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before
05 Judge Coughenour.

06 Pending a final determination by the Court, defendant has been detained.

07 DATED this 16th day of September, 2008.

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09 Mary Alice Theiler
10 United States Magistrate Judge

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12 cc: District Judge: Honorable John C. Coughenour
13 AUSA: Helen J. Brunner
14 Defendant's attorney: Terrence Kellogg
15 Probation officer: Calvin K. Bouma, Jr.
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